

Patent Application  
Attorney's Docket No.: MET-021US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Li et al.  
Application No.: 09/817,538  
Filed: March 26, 2001  
Confirmation No.: 6847  
Group: 1635  
Examiner: K. Lacourciere  
For: ANTISENSE OLIGONUCLEOTIDE INHIBITION OF SPECIFIC  
HISTONE DEACETYLASE ISOFORMS

Mail Stop 16  
Director of the USPTO  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR REFUND**

Dear Sir:

It has come to the attention of Applicants that Notice of Appeal fees have been submitted to the U.S. Patent & Trademark Office on two separate occasions. A Notice of Appeal was filed October 3, 2003 and the requisite fee of \$160.00 submitted therewith. Applicants then filed an Appeal Brief on December 22, 2003. After the filing of the Appeal Brief, the Examiner reopened prosecution with a new Office Action. A response to the Office Action was filed, along with a second Notice of Appeal, on September 7, 2004 and a fee of \$165.00 for the second Notice of Appeal was submitted therewith. Applicants enclose copies of the returned postcards for both filings.

Because the Examiner reopened prosecution after Applicants filed their Appeal Brief, but prior to a decision on the merits by the Board of Patent Appeals and Interferences, the fee paid for the Notice of Appeal on October 3, 2003, should have been applied to the subsequent Notice of Appeal (see MPEP 1208.02). Therefore, Applicants respectfully request a refund in the amount of \$165.00.

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Li et al.  
U.S. Serial No. 09/817,538  
Page 2

If any discussion of this communication would be helpful, the undersigned attorney can be reached by telephone at 781-933-6706.

Dated: November 5 2004

Keown & Associates  
500 West Cummings Park  
Suite 1200  
Woburn, MA 01801

Respectfully submitted,

Joseph C. Zuccherro  
Joseph C. Zuccherro  
Registration No. 55,762  
Attorney for Applicants

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/817,538	
	Filing Date	March 26, 2001	
	First Named Inventor	LI	
	Art Unit	1635	
	Examiner Name	Schmidt, Mary M.	
Total Number of Pages In This Submission	5	Attorney Docket Number	MET-021US2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks 1. Post Card 2. Copies of returned, date-stamped postcards		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Joseph C. Zuccherro, Reg. No. 55,762
Signature	<i>Joseph C. Zuccherro</i>
Date	November 5 2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop 16, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Melissa SIMPSON
Signature	<i>Melissa Simpson</i>
Date	11/5/04

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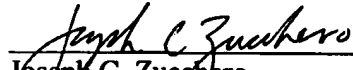
Li et al.  
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Dated: November 5 2004

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500 West Cummings Park  
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Respectfully submitted,

  
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Joseph C. Zuccherro  
Registration No. 55,762  
Attorney for Applicants

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(1002/022)

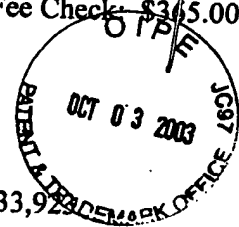
By First Class Mail: Transmittal Letter; Notice of Appeal; Petition  
for 2 Month Extension of Time; Fee Transmittal; Fee Check: \$3,955.00

Applicant: Li et al.

Serial No: 09/817,538

Attorney: Wayne A. Keown, Ph.D., Reg. No. 33,923

Date: September 30, 2003



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By First Class Mail: Transmittal Form; Fee  
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Check in the Amount of \$165.00

Applicant: Li et al.

Serial No: 09/817,538

Attorney: Joseph C. Zuccherro, Reg. No. 55,762

Date: September 2, 2004



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